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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Sakamoto et al.

Confirmation No.: 5152

Serial No.: 10/007,100

Art Unit: 2633

Filed: December 6, 2001

Examiner: Dalzid E. Singh

For: WAVELENGTH DIVISION
MULTIPLEX OPTICAL
TRANSMISSION SYSTEM

Attorney Docket No.: 2270-0042-999
(CAM No: 409893-999041)

TERMINAL DISCLAIMER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, James G. Markey represents that he is one of the attorneys of record for Scimed Life Systems, Inc., the assignee of the entire right, title and interest in and to the above identified application, by virtue of an Assignment which was recorded on December 6, 2001 at reel 012382, frame 0649. The above-captioned patent application is a continuation-in-part application of Serial No. 09/171,193, filed March 17, 1999, now U.S. Patent No. 6,490,064.

Petitioner submits that NIPPON TELEGRAPH AND TELEPHONE CORPORATION is also the assignee of the entire right, title and interest in and to U.S. Patent No. 6,490,064, which issued on December 3, 2002, by virtue of an assignment which was recorded on March 17, 1999 at reel 009832, frame 0996.

Petitioner hereby disclaims the terminal part of any patent granted on the above identified application which would extend beyond the expiration date of U.S. Patent No. 6,490,064, which issued on December 3, 2002, and hereby agrees that any patent so granted on the above identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,490,064.

Petitioner further agrees that this agreement is to run with any patent granted on the above identified application and is to be binding upon the grantee, its successors, and assigns.

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Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,490,064 in the event that said patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

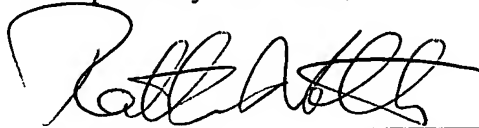
Petitioner hereby confirms that he has reviewed the assignment and, to the best of his knowledge and belief, title is in the assignee seeking to take action in this matter and that he is empowered to act on behalf of NIPPON TELEGRAPH AND TELEPHONE CORPORATION.

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 25th day of March, 2005.

Date: March 25, 2005

Respectfully submitted,



Rattan Nath (Reg. No. 43,827)
for
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